

09/888035

CofC

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Alexandria, VA 22313 on February 20, 2007

REQUEST FOR CERTIFICATE OF  
CORRECTION UNDER 37 CFR 1.322  
Docket No. SPO-115C1  
Patent No. 6,861,574

Glenn P. Ladwig  
Glenn P. Ladwig, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Atsunori Fukuda, Yoshiyuki Tanaka  
Issued : March 1, 2005  
Patent No. : 6,861,574  
For : Sodium/Proton Antiporter Gene

**Certificate**

FEB 28 2007

**of Correction**

ATTN: Certificate of Corrections Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION  
UNDER 37 CFR 1.322 (OFFICE MISTAKE)

Sir:

A Certificate of Correction (in duplicate) for the above-identified patent has been prepared and is attached hereto.

In the left-hand column below is the column and line number where errors occurred in the patent. In the right-hand column is the page and line number in the application where the correct information appears.

**Patent Reads:**

Title page:

(63) Continuation-in-part of application No.  
PCT/JP99/07224, filed on Dec. 22, 1999.

(51) Int. Cl.<sup>7</sup> .....C12N 15/82; C12N 15/29;

**Application Reads:**

See Official Filing Receipt dated 11/13/2001:

JAPAN 10/365604 12/22/1998

Therefore, the Title Page of the Patent should read:

(63) Continuation-in-part of application No.  
PCT/JP99/07224, filed on Dec. 22, 1999.

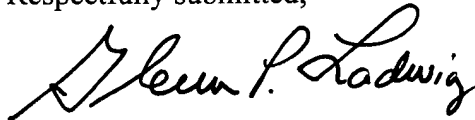
(30) Dec. 22, 1998 (JP)..... 10/365604

(51) Int. Cl.<sup>7</sup>.....C12N 15/82; C12N 15/29;

A true and correct copy of the Official Filing Receipt dated November 13, 2001 as well as a copy of the Claim of Priority submitted on September 20, 2001 and an executed Declaration/Power of Attorney which support the applicants' assertion of errors on the part of the Patent Office, accompany this Certificate of Correction.

Approval of the Certificate of Correction is respectfully requested.

Respectfully submitted,



Glenn P. Ladwig

Patent Attorney

Registration No. 46,853

Phone: 352-375-8100

Fax No.: 352-372-5800

Address: P.O Box 142950

Gainesville, FL 32614-2950

GPL/mv

Attachments: Certificate of Correction in duplicate  
Copy of Official Filing Receipt  
Copy of Executed Declaration/Power of Attorney  
Copy of Claim of Priority (9/20/01)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,861,574

Page 1 of 1

DATED : March 1, 2005

INVENTORS : Atsunori Fukuda, Yoshiyuki Tanaka

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page,

Left column, should read --(63) Continuation-in-part of application No.  
PCT/JP99/07224, filed on Dec. 22, 1999.

(30) Dec. 22, 1998 (JP)..... 10/365604

(51) Int. Cl.<sup>7</sup>.....C12N 15/82; C12N 15/29;--

MAILING ADDRESS OF SENDER:

PATENT NO. 6,861,574

Saliwanchik, Lloyd & Saliwanchik  
P.O Box 142950  
Gainesville, FL 32614-2950

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,861,574

Page 1 of 1

DATED : March 1, 2005

INVENTORS : Atsunori Fukuda, Yoshiyuki Tanaka

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MAILING ADDRESS OF SENDER:

PATENT NO. 6,861,574

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|-----------------|----------|------------|------------|
| 09/888,035         | 06/22/2001  | 1638         | 2264          | SPO-115C1       | 6        | 28         | 19         |

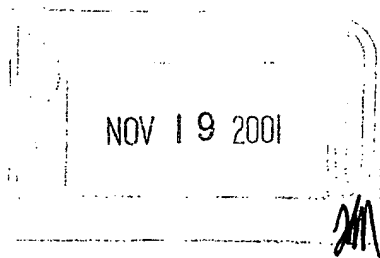
CONFIRMATION NO. 9222

UPDATED FILING RECEIPT



\*OC00000007058359\*

David R. Saliwanchik  
Saliwanchik, Lloyd & Saliwanchik  
Suite A-1  
2421 N.W. 41st Street  
Gainesville, FL 32606-6669



Date Mailed: 11/13/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

**Applicant(s)**

Atsunori Fukuda, Ibaraki, JAPAN;  
Yoshiyuki Tanaka, Ibaraki, JAPAN;

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A CIP OF PCT/JP99/07224 12/22/1999

**Foreign Applications**

JAPAN 10/365604 12/22/1998

COPY

If Required, Foreign Filing License Granted 07/20/2001

Projected Publication Date: 02/21/2002

Non-Publication Request: No

Early Publication Request: No

**Title**

Sodium/proton antiporter gene

**Preliminary Class**

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

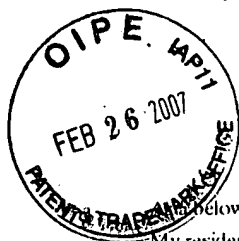
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



COPY

Docket No. SPO-115C1

DECLARATION (37 CFR 1.63) AND POWER OF ATTORNEY

I, the below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name; and

I believe that I am the original, first, and sole inventor (if only one name is listed below), or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Sodium/Proton Antiporter Gene**, specification for which

☐ is attached hereto.

☒ was filed June 22, 2001, Serial No. 09/888,035

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code §119 and/or §365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Application<br>Serial No. | Country | Filing Date | Priority Claimed |
|---------------------------|---------|-------------|------------------|
|---------------------------|---------|-------------|------------------|

|           |    |                  |     |
|-----------|----|------------------|-----|
| 10/365604 | JP | 22 December 1998 | Yes |
|-----------|----|------------------|-----|

I hereby claim priority benefits under Title 35, United States Code §119 of any provisional application(s) for patent listed below:

| Application<br>Serial No. | Filing Date | Priority Claimed |
|---------------------------|-------------|------------------|
|---------------------------|-------------|------------------|

I hereby claim the benefit under Title 35, United States Code, §120 and/or §365 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| Application<br>Serial No. | Filing Date | Status (Patented,<br>Pending, Abandoned) |
|---------------------------|-------------|--|
|---------------------------|-------------|--|

|                |                  |         |
|----------------|------------------|---------|
| PCT/JP99/07224 | 22 December 1999 | Pending |
|----------------|------------------|---------|

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following persons registered to practice before the Patent and Trademark Office as my attorneys with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith: David R. Saliwanchik, Reg. No. 31,704; Jeff Lloyd, Reg. No. 35,589; Doran R. Pace, Reg. No. 38,261; Christine O. McLeod, Reg. No. 36,213; Jay M. Sanders, Reg. No. 39,355; James S. Parker, Reg. No. 40,119; Frank C. Eisenschenk, Reg. No. 45,332; Jean Kyle, Reg. No. 36,987; Seth M. Blum, Reg. No. 45,489; Glenn P. Ladwig, Reg. No. 46,853; Margaret Efron, Reg. No. 47,545; and Jon Michael Gibbs, Reg. No. 47,545.

I request that all correspondence be sent to:

David R. Saliwanchik  
Saliwanchik, Lloyd & Saliwanchik  
2421 N.W. 41st Street, Suite A-1  
Gainesville, FL 32606-6669

I further request that all telephone communications be directed to:

David R. Saliwanchik  
352-375-8100

Name of First or Sole Inventor Atsunori Fukuda

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Atsunori Fukuda

Date 3 September 2001

Signature of First or Sole Inventor

\*\*\*\*\*

Name of Second Joint Inventor Yoshiyuki Tanaka

Residence Ibaraki, Japan Citizenship Japan

Post Office Address c/o National Institute of Agrobiological Sciences,

2-1-2, Kannondai, Tsukuba-shi, IBARAKI 305-8602 JAPAN

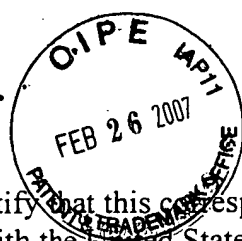
Yoshiyuki Tanaka

Date 9 September 2001

Signature of Second Joint Inventor

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Assistant Commissioner of Patents

Washington, D.C. 20231 on September 20, 2001.

David Saliwanchik

David R. Saliwanchik, Patent Attorney

Patent Application

Docket No. SPO-115C1

Serial No. 09/888,035

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1638  
Applicant(s) : Atsunori Fukuda and Yoshiyuki Tanaka  
Serial No. : 09/888,035  
Filed : June 22, 2001  
For : Sodium/Proton Antiporter Gene

COPY

Assistant Commissioner of Patents  
Washington, D.C. 20231

CLAIM OF PRIORITY UNDER 35 U.S.C §119

Sir:

The applicants hereby reaffirm their claim to the right of priority granted pursuant to 35 U.S.C. §119 based upon Japan application Serial No. 10/365604 (filed December 22, 1998).

A Certified copy of the above Japanese application is being submitted herewith.

Respectfully submitted,

David Saliwanchik

David R. Saliwanchik

Patent Attorney

Registration No. 31,794

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address : 2421 N.W. 41st Street  
Suite A-1  
Gainesville, FL 32606

COPY

DRS/la

Attachments: Certified copy of JP application no. 10/365604